IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2411 OF 2006

Ramchandra Vithal Kulkarni. ...Petitioner.

V/s.

State of Maharashtra & ors. ... Respondents.

Ms. Pooja Kulkarni for the petitioner.

None for the respondents.

CORAM : DR.S.RADHAKRISHNAN and V.C.DAGA, JJ.

DATED : 23rd April 2007.

P.C. :
---

1. Perused petition. Heard the learned counsel for the petitioner.

2. In the above, the petition was lodged on 1.8.2006 and the petition was numbered on 14.9.2006. Till date, the petitioner has not circulated the petition before this Court. In the above circumstances, the petition suffers from gross delay. The petitioner is seeking employment on compassionate ground. The petitioner's father died on 26th November, 2002 and the respondent bank has rejected the application for compassionate appointment on 31st January, 2003. At the time of death of the

petitioner's father, he was working as Record-Keeper as his mother has received terminal benefits in the sum of Rs. 2,70,640/- and the mother of the petitioner is also receiving monthly family pension. Appointment by way of compassionate appointment is an exception carved out of the general rule for appointment on the basis of open invitation of application and merit. This exception should be resorted in cases of poverty where the dependents of an employee are left without any means of livelihood and that unless some source of livelihood is provided a family would not be able to make both ends meet. **(See Umesh Kumar Nagpal vs. State of Haryana (1994) 4 S.C.C.138.** In fact, in the above petition there is no disclosure as to what is the dire need and why the compassionate appointment is sought. Merely there is allegation that the respondent bank is discriminating the petitioner without material facts and particulars, barely stating that one Mr. Koteshawarrao and 15 others were granted compassionate benefit. They are not made parties in the petition. For the last nearly four years and five months the dependents have been able to fend themselves.

3. The above case suffers from gross delay and laches and there is no explanation forthcoming with regard to the delay in filing the petition. It also suffers from lack of details. Since the request was

rejected on 31st January, 2003, the petition appears to have been lodged after three years and seven months. Thereafter, the petition was allowed to remain in the Registry without any attempt to bring it before the Court. In view of our orders, now all pending cases, which did not see the light of the day are being listed. That is how, this petition came on today's board.

4. Under the above circumstances, we decline to exercise our writ jurisdiction. The petition is, thus, dismissed in limini with no order as to costs.

(V.C.DAGA, J.) **(DR.S.RADHAKRISHNAN, J.)**